REMARKS

Claims 1-27 are pending in the application. Claims 1-5 and 14-18 have been amended. Reconsideration of this application is respectfully requested.

The Office Action has objected to the specification on the basis that the Serial Nos. of the applications referenced at page 9 should be supplied. The paragraph beginning at line 22 of page 9 has been amended to provide the Serial Nos. of the referenced applications. Accordingly, it is submitted that the amendment obviates the objection to the specification and, therefore, that the objection should be withdrawn.

The Office Action rejects claims 14, 16, 17, 19-21 and 24 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,596,353 to Takada et al., hereafter Takada.

Independent claim 14 has been amended to recite the comparison with language substantially identical to the amendment of claim 1 by the Amendment filed on January 8, 2003. The Examiner concedes that this language over came the rejection of claim 1 based on anticipation by Takada. Accordingly, it is submitted that claim 14, as amended, and its dependent claims 16, 17, 19-21 and 24 also overcomes the rejection based on anticipation by Takada.

For the reason set forth above, it is submitted that the rejection of claims 14, 16, 17, 19-21 and 24 under 35 U.S.C. 102(b) as anticipated by Takada is inapplicable and should be withdrawn.

The Office Action rejects claims 1-7, 14-19, 26 and 27 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,056,386 to Nohata et al., hereafter Nohata.

This rejection is erroneous because Nohata does not teach the step of detecting the operating characteristics of a plurality of nozzles to be used to print the print job. Nohata merely detects a level of ink in an ink tank associated with the nozzles. A level of ink in an ink tank is not an operating characteristic of the nozzles themselves. For this reason, it is submitted that the rejection of claims 1-7, 14-19, 26 and 27 is erroneous and should be withdrawn.

In addition, independent claims 1 and 14 have been amended to additionally distinguish from Nohata. Claims 1 and 14 now recite that the level of print quality is based on a set of flexible criteria. Support for this amendment is found at page 4, lines 8-11 and page 12, lines 9-25. Nohata lacks a set of flexible criteria. Nohata merely makes a choice between a normal print mode and an economy print mode. In each case, the level of quality is preset into a threshold based on an ink exhaustion of the printhead. That is, the criteria is a single and inflexible one based on ink exhaustion. Accordingly, Nohata does not teach that the level of print quality is based on a set of flexible criteria.

For the reason set forth above, it is submitted that the rejection of claims 1-7, 14-19, 26 and 27 under 35 U.S.C. 102(b) as anticipated by Nohata is untenable and should be withdrawn.

The Office Action rejects claims 8, 9, 11, 20, 21 and 23 under 35 U.S.C 103(a) as unpatentable over Nohata in view of U.S Patent No. 5,398,054 to Fukazawa et al., hereafter Fukazawa.

This rejection is inapplicable as these claims include the language of independent claims 1 or 14. As discussed above, Nohata does not teach the comparison step or using a level of print quality based on a set of flexible criteria. Fukazawa also does not teach using a level of print quality based on a set of

flexible criteria. Accordingly, the combination of Nohata and Fukazawa does not make claims 8, 9, 11, 20, 21 and 23 obvious to one of ordinary skill in the art.

For the reasons set forth above, it is submitted that the rejection of claims 8, 9, 11, 20, 21 and 23 under 35 U.S.C. 103(a) is inapplicable and should be withdrawn.

The Office Action rejects claims 9, 10, 21 and 22 under 35 U.S.C 103(a) as unpatentable over Nohata in view of U.S Patent No. 5,583,547 to Gast et al., hereafter Gast.

This rejection is inapplicable as these claims include the language of independent claims 1 or 14. As discussed above, Nohata does not teach the comparison step or using a level of print quality based on a set of flexible criteria. Gast also does not teach using a level of print quality based on a set of flexible criteria. Accordingly, the combination of Nohata and Gast does not make claims 9, 10, 21 and 22 obvious to one of ordinary skill in the art.

For the reasons set forth above, it is submitted that the rejection of claims 9, 10, 21 and 22 under 35 U.S.C. 103(a) is inapplicable and should be withdrawn.

The Office Action rejects claims 12, 13, 24 and 25 under 35 U.S.C 103(a) as unpatentable over Nohata in view of U.S Patent No. 5,455,608 to Stewart et al., hereafter Stewart.

This rejection is inapplicable as these claims include the language of independent claims 1 or 14. As discussed above, Nohata does not teach the comparison step or using a level of print quality based on a set of flexible criteria. Stewart also does not teach using a level of print quality based on a set of flexible criteria. Rather Stewart uses a fixed threshold, namely, at least one

10

nozzle remaining non-firing. See the discussion of Stewart at pages 3 and 4 of the specification. Accordingly, the combination of Nohata and Stewart does not make claims 12, 13, 24 and 25 obvious to one of ordinary skill in the art.
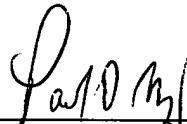
For the reasons set forth above, it is submitted that the rejection of claims 12, 13, 24 and 25 under 35 U.S.C. 103(a) is inapplicable and should be withdrawn.

The Office Action cites European Patent No. 1 065 056 that was not applied in the rejection of the claims. This patent has been reviewed, but is believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the objection to the specification be withdrawn, that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1-27 be allowed and that this application be passed to issue.

Respectfully Submitted,

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